

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Darell Anderson,

Movant,

v.

United States of America,

Respondent.

Case No. 2:18-cr-265

Judge Michael H. Watson

**ORDER**


Movant seeks to vacate his sentence under 28 U.S.C. § 2255, alleging that he received ineffective assistance of counsel and that the prosecution engaged in misconduct. ECF No. 168. Prior to moving to vacate, Movant also separately moved for an order directing the Government to preserve evidence that is allegedly relevant to his § 2255 motion. ECF No. 166.

To the extent Movant seeks an order requiring the Government to preserve evidence, that request is **DENIED WITHOUT PREJUDICE**. “As a party to this action, [the Government] . . . [has] an obligation to preserve evidence that is relevant to the litigation.” *Mick v. Stanforth*, No. CIV A 2:08-CV-990, 2009 WL 1686017, at \*1 (S.D. Ohio June 15, 2009). The Court has no reason to believe that the Government is not complying with this obligation. Moreover, to the extent Movant is asking to preserve evidence seized during a search, it is the Government’s policy and practice not to dispose of seized evidence until all litigation has terminated, including collateral attacks. See U.S. Dep’t Just., Just.

Manual §§ 9-14.000–14.009. Because there is no demonstrated need, the Court finds that an Order to preserve evidence is unnecessary at this time.

Accordingly, Movant's motion is **DENIED WITHOUT PREJUDICE**. The Clerk is **DIRECTED** to terminate ECF No. 166.

**IT IS SO ORDERED.**

  
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**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**